

EXHIBIT “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Case No. 1:22-cv-01270-LEK-ATB

PREPARED FOOD PHOTOS, INC. f/k/a
ADLIFE MARKETING &
COMMUNICATIONS CO., INC.,

Plaintiff,

v.

WADAYANEED, LLC d/b/a
WHATDOYOU NEED.COM

Defendant.

DECLARATION OF DANIEL DESOUZA

Daniel DeSouza does hereby declare pursuant to 28 U.S.C. § 1746:

1. I submit this declaration in support of plaintiff Prepared Food Photos, Inc. f/k/a Adlife Marketing & Communications Co., Inc.'s ("Plaintiff") Motion for Prevailing Party's Attorneys' Fees. This declaration and the facts stated herein are based upon my personal knowledge.

2. I am counsel for the Plaintiff in this action. I supervised the other attorney, Christine Zaffarano, and the paralegal, Denise Sosa, working on this matter.

3. I have been a member in good standing of the New York Bar since 2005 and the Florida Bar since 2006. I am one of two principal shareholders of the law firm CopyCat Legal PLLC ("CopyCat Legal"), which has provided legal services to Plaintiff in this action throughout the pendency of this action.

4. I am a 2004 graduate of the George Washington University Law School and am admitted to the Florida Bar, the New York Bar, and the District of Columbia Bar. I am likewise

admitted to several federal courts throughout the country, including: (a) the United States Court of Appeals for the Eleventh Circuit; (b) the United States Court of Appeals for the Eighth Circuit; (c) the United States Court of Appeals for the Tenth Circuit; (d) the United States District Court for the Southern District of Florida; (e) the United States District Court for the Middle District of Florida; (f) the United States District Court for the Northern District of Florida; (g) the United States District Court for the Southern District of Texas; (h) the United States District Court for the Eastern District of Texas; (i) the United States District Court for the Southern District of New York; (j) the United States District Court for the Eastern District of New York; (k) the United States District Court for the Northern District of New York; (l) the United States District Court for the Western District of Arkansas; (m) the United States District Court for the District of Nebraska; (n) the United States District Court for the District of New Mexico; (o) the United States District Court for the District of Colorado; (p) the United States District Court for the Eastern District of Michigan; (q) the United States District Court for the Western District of Michigan; (r) the United States District Court for the Northern District of Illinois; (s) the United States District Court for the District of Maryland; (t) the United States District Court for the Western District of Texas; (u) the United States District Court for the Eastern District of Missouri; (v) the United States District Court for the District of Columbia; and (w) the United States District Court for the Western District of Pennsylvania. I previously worked at Milbank, Tweed, Hadley & McCloy LLP (from 2004 – 2010) and Becker & Poliakoff, PA (from 2010 – 2014) before forming DeSouza Law, P.A. in 2014 and CopyCat Legal in 2019.

5. Since 2004, my practice has principally focused on business/complex commercial and intellectual property litigation. During that time, I have served as counsel of record in dozens of copyright infringement, trade secret, and trademark infringement lawsuits. In total, I have

served as counsel of record in approximately 400 federal civil and/or bankruptcy actions and 250+ state court lawsuits in Florida/New York.

6. In addition to myself, an associate (Christine Zaffarano) also billed time on this matter. She is a 2014 Dean's List graduate of St. John's University School of Law. She attended on a full academic scholarship and served on Law Review. She was admitted to the New York Bar in 2015 and the Florida Bar in 2022. Christine is also admitted to the United States District Court for the Middle District of Florida, the United States District Court for the Southern District of Florida, the United States District Court for the Eastern District of New York, the United States District Court for the Northern District of New York, the United States District Court for the Southern District of New York, and the United States District Court for the Northern District of Illinois. She has practiced in civil courts for over eight years, including on behalf of the City of New York and the State of Florida.

7. A paralegal (Denise Sosa) also billed time on this matter. Denise Sosa has been a paralegal since 1995 and has worked at various law firms, working on matters that include commercial litigation, criminal defense, admiralty, and class action products liability litigation, while her primary focus and experience is in commercial litigation. She has over 20 years of experience in preparing for and attending hearings, arbitrations, and trials (both for federal and state court). She is bilingual, speaking both English and Spanish fluently.

8. The purpose of this declaration is to memorialize the fees for legal services, costs, and expenses provided by CopyCat Legal in the above-captioned case through the present date.

9. CopyCat Legal establishes standard hourly rates for services provided by its attorneys. These rates are within the range charged by other lawyers in South Florida and are fair and reasonable rates for this type of work.

10. I am familiar with the services provided to Plaintiff in this action and the rates charged for such work.

11. The attorneys and paralegals at CopyCat Legal record the time spent on matters contemporaneously on electronic billing software/time sheets. Each time entry includes the date the work is performed, the client and matter numbers, the time spent, and a brief description of the nature of the work performed.

12. Through the present date, I expended 5.0 hours of attorney time in prosecuting this matter on Plaintiff's behalf, an associate attorney (Christine Zaffarano) expended 0.40 hours of attorney time in prosecuting this matter on Plaintiff's behalf, and a paralegal (Denise Sosa) expended 1.30 hours of time in prosecuting this matter on Plaintiff's behalf. This includes the time spent to investigate the alleged infringement and drafting an initial notice letter to WaDaYaNeed, LLC d/b/a Whatdoyouneed.com ("Defendant"), drafting the Complaint in this matter, attempting to contact the Defendant via e-mail, mail, and telephone, attempting service, drafting the Motion for Clerk's Default, drafting the Motion for Entry of Default Judgment and drafting the exhibits/supporting declarations for such motion, and drafting the Motion for Prevailing Party's Attorneys' Fees. All of these time entries amount to a total of \$1,897.50 and are reflected in CopyCat Legal's billing records that are being provided in connection herewith as **Exhibit "1."**

13. My billable rate for copyright/intellectual property matters at CopyCat Legal is \$450.00 per hour, and the rate for paralegals is \$125.00 per hour. However, given that courts in this district typically find \$250 - \$350/hour to be reasonable for experienced counsel, for purposes of this case I will voluntarily reduce my rate to \$325 per hour. See Adlife Mktg. & Communs. Co. v. Buckingham Bros., LLC, No. 5:19-CV-0796 (LEK/CFH), 2020 U.S. Dist. LEXIS 148755 (N.D.N.Y. Aug. 18, 2020) (quoting Golub Corp. v KLT Indus., Inc., No. 18-CV-1125, 2020 U.S.

Dist. LEXIS 105469, 2020 WL 3254133, at *4 (N.D.N.Y. June 16, 2020)) (internal citations omitted) (“According to the ‘forum rule,’ courts should employ ‘the hourly rates . . . in the district in which the reviewing court sits in calculating the presumptively reasonable fee.’”); See Sadowski v. Roser Communications Network, Inc., No. 19-CV-592, 2020 U.S. Dist. LEXIS 10266, 2020 WL 360815, at *4 (N.D.N.Y. Jan. 22, 2020) (“Courts in this district have recently determined hourly rates between \$250 and \$350 for partners.”); Broadcast Music, Inc. v DeJohn's on Lark, Inc., No. 19-CV 637, 2020 U.S. Dist. LEXIS 73262, 2020 WL 1986903, at *7 (N.D.N.Y. Apr. 27, 2020) (“hourly rates have ranged from \$250 to \$325 for partners of a firm”); Seidenfuss v. Diversified Adj. Services, Inc., No. 15-CV-1210, 2016 U.S. Dist. LEXIS 33559, 2016 WL 1047383, at *2 (N.D.N.Y. Mar. 15, 2016) (“Courts in this District consistently deem \$300 to be an reasonable hourly rate for an experienced partner.”); Pope v. County of Albany, No. 11-CV-736, 2015 U.S. Dist. LEXIS 123379, 2015 WL 5510944, at *10-11 (N.D.N.Y. Sept. 16, 2015) (finding \$350 per hour for experienced counsel to be reasonable); Bosket v. NCO Fin. Sys., No. 3:11-CV-00678 (LEK/DEP), 2012 U.S. Dist. LEXIS 132239, at *9 (N.D.N.Y. Sep. 17, 2012) (concluding that \$335 per hour requested for the partners was reasonable).

14. Further, the hourly rates for both myself, associates, and for CopyCat Legal’s paralegals have previously been found to be reasonable by multiple federal courts. See, e.g., Patriot Fine Foods, at pp. 11 – 12 (“In light of counsel’s experience (*see id.* ¶¶ 2–5), and the prevailing market rates, and Defendant’s failure to oppose the reasonableness of the rate, I find that the proposed hourly rate of \$450 is reasonable based upon the facts and circumstances of this case, including Defendant’s default.”); Afford. Aerial Photography, Inc. v. Elegance Transp., Inc., No. 6:21-cv-1166-CEM-LHP, 2022 U.S. Dist. LEXIS 32586, at *29 (M.D. Fla. Feb. 23, 2022) (finding undersigned counsel’s \$450.00 hourly rate and CopyCat Legal’s paralegal’s \$125.00

hourly rate to be reasonable in copyright infringement case); Temurian v. Piccolo, No. 18-CV-62737-SMITH/VALLE, 2021 U.S. Dist. LEXIS 63144, at *6 (S.D. Fla. Mar. 30, 2021) (in commercial litigation case, finding undersigned counsel's \$400.00 hourly rate reasonable for work performed from 2018 – 2020).

15. I am familiar with the lodestar method of determining the reasonableness of attorneys' fees. The above-described fees are reasonable for the services provided to Plaintiff.

16. In addition, CopyCat Legal incurred \$516.88 in actual costs on Plaintiff's behalf in connection with pursuing this lawsuit, all of which is properly taxable. Invoices for such are attached hereto as Exhibit “1” and separately on Plaintiff's Bill of Costs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 28, 2023

/s/ Daniel DeSouza
Daniel DeSouza

EXHIBIT “1”

Copycat Legal PLLC
 3111 N University Drive
 Suite 310
 Coral Springs, FL 33065
 877-437-6228



Prepared Food Photos, Inc.

38 Church Street
 Pawtucket, RI 02860
 United States

Balance	\$2,414.38
Invoice #	00159
Invoice Date	July 28, 2023
Payment Terms	
Due Date	

Prepared Food Photos, Inc. v.

WaDaYaNeed, LLC d/b/a
WhatDoYouNeed.com

Time Entries

DATE	EE	ACTIVITY	DESCRIPTION	RATE	HOURS	LINE TOTAL
10/03/2022	DD	Time	Sent initial infringement notice to defendant	\$325.00	0.50	\$162.50
11/28/2022	DD	Time	Drafted/updated complaint for filing	\$325.00	0.50	\$162.50
11/29/2022	DS	Time	Filed complaint	\$125.00	0.10	\$12.50
11/30/2022	DS	Time	Summons sent to process server	\$125.00	0.10	\$12.50
12/13/2022	DS	Time	Sent email to process server re status	\$125.00	0.10	\$12.50
12/14/2022	DS	Time	Called process server and was told they will check with server and provide status.	\$125.00	0.10	\$12.50
12/22/2022	DS	Time	Spoke with process server who informed he'd be providing affidavit of non-serve	\$125.00	0.20	\$25.00
01/18/2023	DS	Time	Send documents to process server for service on the NY SOS	\$125.00	0.10	\$12.50
01/26/2023	DS	Time	Filed ROS on NY SOS. Mailed letter to defendant regarding same.	\$125.00	0.50	\$62.50
02/21/2023	DD	Time	Drafted and filed motion for clerk's default	\$325.00	0.50	\$162.50
02/27/2023	DD	Time	Drafted and filed motion for default final judgment	\$325.00	2.50	\$812.50
02/27/2023	DS	Time	Certificate of Service filed with the court.	\$125.00	0.10	\$12.50
07/26/2023	CZ	Time	Called defendant to confer re motion for attorneys' fees (spoke with employee)	\$275.00	0.20	\$55.00
07/26/2023	CZ	Time	Sent email to defendant to confer re motion for attorneys' fees	\$275.00	0.20	\$55.00
07/26/2023	DD	Time	Draft motion for plaintiff's attorneys' fees	\$325.00	1.00	\$325.00

Totals:	6.70	\$1,897.50
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Expenses

DATE	EE	ACTIVITY	DESCRIPTION	COST	QUANTITY	LINE TOTAL
11/29/2022	DS	Complaint Filing Fee		\$402.00	1.0	\$402.00
01/26/2023	DS	Process Server	Preferred Process (Inv.#1524778) - NY Secretary of State	\$114.88	1.0	\$114.88
Expense Total:						\$516.88

Time Entry Sub-Total:	\$1,897.50
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Expense Sub-Total:	\$516.88
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Sub-Total:	\$2,414.38
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Total:	\$2,414.38
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Amount Paid:	\$0.00
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BALANCE DUE:	\$2,414.38
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PREFERRED PROCESS SERVERS INC.

166-06 24th Road, Whitestone, NY 11357

Phone 718-362-4890 -- FAX 718-352-0400

info@ppservers.com

Attn:

COPYCAT LEGAL
 3111 NORTH UNIVERSITY DRIVE, STE#301
 CORAL SPRINGS, FL 33065

Due By: 02/25/2023

Invoice Date: 1/26/2023

Invoice #: 1524778

Job#: 1524778

Client File#: prepared vs. wadayaneed

TOTAL INVOICE AMOUNT DUE

\$111.00

Job #: 1524778 **Your #:** prepared vs. wadayaneed
Plaintiff: PREPARED FOOD PHOTOS INC F/K/A ADLIFE
Defendant: WADAYANEED LLC D/B/A WHATDOYOU NEED.COM
Index Number 1:22-CV-1270 (LEK/ATB)
Documents: SUMMONS IN CIVIL ACTION - COMPLAINT

Recipient: WADAYANEED LLC D/B/A
Person Served: Nancy Dougherty
 SEC OF STATE , ALBANY, NY 12207

Date Received:
 1/19/2023
Completed:
 1/23/2023

Description	Qty	Fee	Total Fee
Standard Service	1	\$65.00	\$65.00
Advanced Secretary of State Fee	1	\$40.00	\$40.00
COPIES	40	\$0.15	\$6.00
Job Total Due =			\$111.00

TOTAL INVOICE CHARGES: **\$111.00**

TOTAL INVOICE PAYMENTS:

TOTAL INVOICE AMOUNT DUE: **\$111.00**

✉ info@ppservers.com (mailto:info@ppservers.com)

📞 718-362-4890 (tel:718-362-4890)

English



PREFERRED
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Payment Confirmation

Thanks for your payment submission, Your business means a great deal To Us. Here are the details of your payment submission:

Order ID:	Date:	Total:	Payment Method:	Payment Status:
#1977	January 26, 2023	\$114.88	Stripe	Paid

Items Details

Item	Quantity	Price	Line Total
Payment Amount	1	\$111	\$111
Sub Total			\$111
3.5% Surcharge fee(3.5%)			\$3.88
Total			\$114.88

Submission Details

Full Name	James D'Loughy
Law Firm Name	CopyCat Legal PLLC
Email Address	james@copycatlegal.com
Phone	8774376228
Invoice number	1524778
Payment Comments	PREPARED FOOD v WADAYANEED LLC D/B/A WHATDOYOUNEED.COM
Billing Address	33065, US
Name on Card	James D Loughy

Address

166-06 24th Road
Lower Level
Whitestone, NY 11357 (<https://goo.gl/maps/YFeG6bQc3BcG87Kr9>)

Contact

Telephone: 718-362-4890 (tel:718-362-4890)
Email: info@ppservers.com (<mailto:info@ppservers.com>)
Fax: 718-352-0400

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